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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,020	02/27/2002	Zoran Minevski	LYNN/0083.A	8418

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STREETS & STEELE
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HOUSTON, TX 77040

EXAMINER

REIFSNYDER, DAVID A

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Supplemental</i> Notice of Allowability	Application No.	Applicant(s)	
	10/084,020	MINEVSKI ET AL.	
	Examiner	Art Unit	
	David A Reifsnnyder	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on November 7, 2003.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 27 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/30/02;10/24/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

ELECTION/RESTRICTION and EXAMINER'S AMENDMENT

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-22, drawn to a process of magnetically separating ferrate salts from a solution, classified in class 210, subclass 695.
- II. Claims 24-42, drawn to an apparatus for the electrochemical production of ferrate salts, classified in class 204, subclass 280.
- III. Claim 23, drawn to a ferrate salt, classified in class 423, subclass 633.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions. Invention I is directed to a process for magnetically separating ferrate salts from a solution, while Invention II is directed to an apparatus for the electrochemical production of ferrate salts.

Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process

(MPEP § 806.05(f)). In the instant case the instantly claimed ferrate salt of Invention III may be purified (i.e. made) by any separation method, instead of the magnetic separation process of Invention I. For example, the ferrate salt could be separated from the solution by vacuum filtration.

Inventions II and III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In the instant case the ferrate salt of Invention III could be made by an apparatus which is different from the apparatus for the electrochemical production of ferrate salts of Invention II. For example, the product of Invention III instead of being made with electrochemical apparatus including an iron-containing anode could be made by a chemical apparatus which does not include the iron-containing anode.

Because these inventions are distinct for the reasons given above, have acquired a separate status in the art as shown by their different classification, and the search required for all the inventions is different, restriction for examination purposes as indicated is proper.

During a telephone conversation with Frank J. Campigotto on November 28, 2004 an election was made without traverse to prosecute the invention of Group I, claims 1-22.

Claims 23-42 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In The Claims

This application is in condition for allowance except for the presence of claims 23-42 drawn to an invention non-elected without traverse.

Accordingly, claims 23-42 have been cancelled.

Reasons for Allowance

The main reason for the allowance of claims 1-22 is the instantly claimed method for separating ferrate salts from a solution, comprising: providing contact between the solution and a surface having a magnetic attraction; magnetically securing the ferrate salts to the surface; and eliminating contact between the salts and the surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Minevski et al. who is the same inventive entity as the present application and discloses an Electrochemical Method for Producing Ferrate (VI) Compounds.

Green who discloses a magnetic separator apparatus comprising a plurality of barium ceramic magnets impregnated into polypropylene bars interposed on a conveyor belt which passes through an aqueous solution containing unwanted magnetic particles.

Bleifuss et al. who discloses a magnetic separator apparatus and methods comprising a conveyor belt having an upper and lower surface, the conveyor belts upper surface carries a ferromagnetic collection matrix, the ferromagnetic collection matrix being magnetized by one or more permanent magnets and/or one or more electromagnets arranged under the lower surface of the conveyor belt.

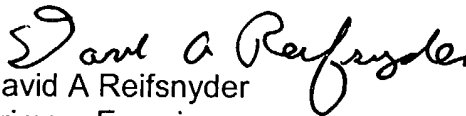
Hilbig et al. who discloses a process for separating solvents used in the purification of products.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Reifsnyder whose telephone number is (571) 272-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David A Reifsnyder
Primary Examiner
Art Unit 1723

DAR